S T A T E O F N E W Y O R K

1054

2015-2016 Regular Sessions

I N S E N A T E

January 8, 2015

Introduced by Sen. HANNON -- read twice and ordered printed, and when printed to be committed to the Committee on Health

AN ACT to amend the public health law, in relation to requiring health care facilities to respect each patient's religious beliefs with regard to the provision of care

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Paragraph (g) of subdivision 1 of section 2803 of the public health law, as added by chapter 2 of the laws of 1988, is amended to read as follows:

(g) The commissioner shall require that every general hospital adopt and make public an identical statement of the rights and responsibilities of patients, including a patient complaint and quality of care review process, a right to an appropriate patient discharge plan, A RIGHT TO INDEPENDENT PERSONAL DECISIONS PURSUANT TO PARAGRAPH A OF SUBDIVISION THREE OF SECTION TWENTY-EIGHT HUNDRED THREE-C OF THIS ARTICLE and, for patients other than beneficiaries of title XVIII of the federal social security act (medicare), a right to a discharge review in accordance with section twenty-eight hundred three-i of this article. The form and content of such statement shall be determined in accordance with rules and regulations adopted by the council and approved by the commissioner. A patient who requires continuing health care services in accordance with such patient's discharge plan may not be discharged until such services are secured or determined by the hospital to be reasonably available to the patient. Each general hospital shall give a copy of the statement to each patient, or the appointed personal representative of the patient at or prior to the time of admission to the general hospital, as long as the patient or the appointed personal representative of the patient receives such notice no earlier than fourteen days before admission. Such statement shall also be conspicuously posted by the hospital and shall be a part of the patient's admission

EXPLANATION--Matter in ITALICS (underscored) is new; matter in brackets [ ] is old law to be omitted.

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package. Nothing herein contained shall be construed to limit any authority vested in the commissioner pursuant to this article related to the operation of hospitals and care and services provided to patients.

S 2. Paragraph a of subdivision 3 of section 2803-c of the public health law, as added by chapter 648 of the laws of 1975, is amended to read as follows:

a. Every patient's civil and religious liberties, including the right to independent personal decisions and knowledge of available choices, shall not be infringed and the facility shall [encourage] FACILITATE and assist in the fullest possible exercise of these rights. EVERY PATIENT'S RELIGIOUS BELIEFS SHALL BE RESPECTED WITH REGARD TO WITHHOLDING OR WITHDRAWING LIFE SUSTAINING TREATMENTS, OR DISCHARGE FROM A FACILITY. IF SUCH PATIENT IS INCAPACITATED, SUCH DETERMINATION SHALL BE MADE BY THEIR AGENT OR SURROGATE AS APPLICABLE BY LAW.

S 3. This act shall take effect on the ninetieth day after it shall have become a law.